

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

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The existing County zoning code requires a Conditional Use Permit for many construction and land division activities within Hillside Management Areas and Significant Ecological areas. This enhanced oversight is necessary and appropriate because of the environmental sensitivity of these areas, the challenges associated with building safely in these often geologically unstable and fire-prone locations, and the lack of modern infrastructure that would be necessary to serve a dense population. In all of these cases, the Board of Supervisors created a special exemption for individual property owners who are simply looking to build their one house on an existing lot.

In 1998, the Board of Supervisors unanimously voted to add an application for a “relocation of two or more lot lines between three or more contiguous parcels” to the list of activities that would require a Conditional Use Permit in hillside management and significant ecological areas. The Board concluded that this was a wise move because these multiple lot line adjustments are often designed to increase the developability of highly sensitive areas by facilitating easier access to parcels or creating additional building sites. As such, these cases should be reviewed more carefully than lot line adjustments in other portions of the County.

However, the ordinance itself was silent about whether the exception for owners

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of only a single property should apply to the lot line adjustment provisions. As a result, the ordinance was appended to the zoning code in such a way that allows a group of property owners who are working in concert to exploit a loophole that was intended to protect individual property owners of single lots. Moreover, speculative developers who own large tracts of property have determined that they can evade the County's hillside management ordinance by setting up a different Limited Liability Company for each property they own, and thereby hide their true ownership interests in large tracts of land and qualify for an exemption to the CUP requirement. The single-owner exemption has no merit in situations where multiple property owners are working together to use the lot line adjustment procedure to increase the development potential of highly sensitive areas.

I, THEREFORE, MOVE that the Regional Planning Commission prepare and consider the necessary amendment to the hillside management ordinance, for this Board's review and approval, that would clarify that in hillside management and significant ecological areas, a conditional use permit shall be required for all lot line adjustments of two or more property lines between three or more contiguous parcels, regardless of the ownership of any of the parcels under consideration.

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